

REMARKS

Claims 1-10, 12-18 and 20-22, as amended, are presented herewith for the Examiner's review and consideration. Independent claims 1, 14 and 17 are amended to include recitations that were previously recited in dependent claims 11, 19 and 23 respectively, the latter of which are now cancelled. Thus, claims 1, 14 and 17 correspond to claims 11, 19 and 23 rewritten in independent form. The dependency of claim 12 has been changed due to the cancellation of claim 11. Accordingly, no new matter has been introduced, nor are new issues raised that would require a separate new search of the art. These claim changes should be entered at this time to reduce the issues for appeal. Reconsideration of the amended claims is requested in light of the following remarks.

Claim Rejection under 35 USC 102

Claim 1 was rejected under 35 USC 102(b) as anticipated by Huang (Applied Physics Letters, Volume 26, Number 9, pages 1267-1269). Claim 1 now recites the features of claim 11, which was also rejected as anticipated by Huang. The Office Action did not identify any features of Huang as corresponding to the recitations of claim 11, however, so that no case of anticipation was stated with respect to that claim. "To anticipate a claim, the reference must teach every element of the claim," MPEP 2131 (emphasis added). Therefore, anticipation has not been shown with respect to claim 1, as amended. Because anticipation has not been shown, it is requested that the rejection be withdrawn.

Claim 1 as amended recites:

"transferring at least a portion of the substantially-relaxed epitaxial base layer onto a carrier substrate to provide a base substrate;

increasing the thickness of the transferred epitaxial base layer portion transferred to the carrier substrate by epitaxial growth to form a further-grown epitaxial base layer...and

transferring a portion of the further-grown epitaxial base layer from the carrier substrate to another substrate" (emphasis added)

Thus, as the underlined portions indicate, two different transferring steps are recited in claim 1, one transfer onto a carrier substrate and another from the carrier substrate to another

substrate. In contrast, Figure 1 of Huang appears to show only one transferring step between "Si Sub" and the "Handle Wafer." No prior or subsequent transferring steps appear to be disclosed. The Office Action appeared to consider transfer between "Si Sub" and the "Handle Wafer" of Figure 1 of Huang as anticipating "transfer onto a carrier substrate" of claim 1. However, the Office Action did not indicate what, if anything, in Huang might correspond to transfer from the carrier substrate to another wafer, and Huang does not show transfer from the "Handle Wafer" to another substrate. The Office Action asserted, "The resultant structure can then have further growth on it," page 2, second paragraph. The significance of this assertion with respect to claim 11 is not understood. Even if further growth can occur, it is not clear how this corresponds to "transferring... from the carrier substrate to another substrate" of claim 1.

With respect to arguments presented in a prior response, the Office Action stated, "The reference teaches the process on page 1265," page 4, lines 1-2. However, the Huang reference shows page numbers 1267 to 1269 and does not include page 1265. Thus, the citation appears to be in error and correction in accordance with MPEP 707.05(g) is requested, if applicable. Furthermore, it is unclear to which claimed process this statement refers. Clarification is requested. The Office action also asserts, "The reference doe [sic] in fact teach further epitaxial growth on the transferred layer meeting the claimed limitations," page 4, lines 4-5. However, this does not appear to address the limitations discussed above that were previously recited in claim 11. Thus, it does not appear that a case of anticipation was stated with respect to claim 11 and it is not clear how anticipation could be based on Huang. Because no case of anticipation has been stated with respect to presently amended claim 1, it is requested that the rejection of claim 1 be withdrawn.

Claims 2-10, 12 and 13 depend on claim 1 and are therefore also free of the anticipation rejection.

Independent claim 14 recites, "transferring a combination of at least a portion of the epitaxial base layer together with at least a portion of the second epitaxial layer to another substrate." This recitation is similar to that of claim 1 and claim 14 is submitted to be allowable for similar reasons. In particular, no features of Huang were indicated to correspond to the recitations of claim 19 which now is combined with claim 14, and thus no case of anticipation of claim 19 by Huang was stated.

Claims 15, 16 and 22 depend on claim 14 and are therefore also free of the anticipation rejection.

Independent claim 17 also recites, "transferring a combination of at least a portion of the additional epitaxial base layer together with at least a portion of the second epitaxial layer and together with at least a portion of the epitaxial base layer to another substrate." Again, this is similar to what is recited in claims 1 and 14 so that claim 17 is patentable over Huang for similar reasons. In particular, no features of Huang were indicated to correspond to the limitations of claim 23 which is now combined into claim 17, and thus no case of anticipation of claim 23 by Huang was stated.

Claims 18 and 20 depend on claim 17 and are therefore also free of the anticipation rejection.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all pending claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of these claims.

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Respectfully submitted,


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